

REMARKS

Claims 20-38 are pending in this application. By this Amendment, claim 20 is amended. Support for the amendments to claim 20 may be found at least in Figures 1-6 and corresponding portions of the specification. No new matter is added. Reconsideration and prompt allowance are respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; (c) satisfy a requirement of form asserted in the previous Office Action; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Office Action rejects claims 20-22, 24-27 and 30-38 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,835,477 to Binnig et al. (hereinafter "Binnig") in view of U.S. Patent No. 6,084,849 to Durig et al. (hereinafter "Durig"); rejects claim 23 under 35 U.S.C. §103(a) as unpatentable over Binnig in view of Durig and further in view of U.S. Patent No. 3,646,533 to Rosenblum; rejects claims 28 and 29 under 35 U.S.C. §103(a) as unpatentable over Binnig in view of Durig and further in view of U.S. Patent No. 6,579,742 to Chen; and rejects claim 37 under 35 U.S.C. §103(a) over Binning in view of Durig in view of U.S. Patent No. 4,451,914 (LaBudde).

Applicants respectfully submit that Binnig and Durig at least fail to teach and would not have rendered obvious, "a two-dimensional array of microtips attached directly to a fixed, rigid base and arranged in a plane opposite a storage medium, and electronic means for addressing and controlling the microtips so as to enable data recording on the storage

medium, the storage medium comprising a flexible diaphragm borne by a frame laterally, delimiting a plurality of cells, at least one micro-tip being associated with each cell, the flexible diaphragm comprises two free faces parallel to the plane," (emphasis added) as recited in independent claim 20.

The Office Action asserts that the cantilevers 13.1-13.4 of Binnig correspond to the claimed base (see Office Action, page 2). However, the cantilevers 13.1-13.4 of Binnig must bend and flex in order for the probes 14 to contact the perturbations 12 (see Fig. 1A of Binnig). Therefore, the cantilevers 13.1-13.4 of Binnig are not rigid, as required by independent claim 20.

The Office Action asserts that the shape memory alloy of Durig corresponds to the claimed diaphragm. Applicants submit that the shape memory alloy layer in Durig is not flexible (it cannot flex since the layer entirely rests on the rigid substrate 50). The shape memory alloy of Durig is only deformable, and then only so at the contact point with the microtip end. On the contrary, the claimed flexible diaphragm of the present application has no contact with the frame within the cells and can thus flex when a microtip comes into contact with the diaphragm. See Fig. 1. Furthermore, because the claimed flexible diaphragm "comprises two free faces parallel to the plane," the applied references fail to teach the presently claimed features because the references do not disclose a diaphragm having two free faces.

Contrary to the Office Action's assertion, the cantilevers of Binnig and Durig cannot be considered a fixed base since their main function is to be able to flex with respect to the fixed base at which they are connected by one and only one of their ends.

Further, neither substrate 10 of Binnig nor substrate 50 of Durig laterally delimit the storage fields, as recited in independent claim 20 (respectively 11.1-11.2 on Fig 1B of Binnig and 54.1-54.4 of Fig. 6 of Durig).

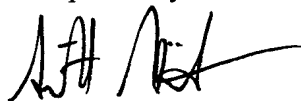
Thus, the applied references, taken alone and in combination, fail to teach or render obvious each and every feature of independent claim 20.

Claims 21-38 depend from claim 20. Because the applied references fail to anticipate or render obvious the features recited in independent claim 20, dependent claims 21-38 are patentable for at least the reasons that claim 20 is patentable, as well as for the additional features they recite.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Smith Sirisakorn
Registration No. 65,056

WPB:SZS/hms

Date: September 21, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--